

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

FURNITURE FACTORY ULTIMATE HOLDING, L.P.,  
  
Debtor.

Chapter 11

Case No. 20-12816 (JKS)

STEVEN BALASIANO, NOT INDIVIDUALLY BUT SOLELY IN  
HIS CAPACITY AS TRUSTEE OF THE LIQUIDATION TRUST  
OF FURNITURE FACTORY ULTIMATE HOLDING, L.P., *et al.*,

Plaintiff,

Adv. Proc. No. 22-50390 (JKS)

v.

JONATHAN H. BORELL, CHAD CROSBY, JEFF FEINBERG,  
MARGIE KAUFMAN, MELISSA KLAFTER, MICHAEL J.  
MCCONVERY, HANK MULLANY, BETH NEUMANN, DAVID  
ROGALSKI, LAWRENCE ZIGERELLI, SUN CAPITAL  
PARTNERS, INC., SUN CAPITAL PARTNERS MANAGEMENT  
VI, LLC AND FURNITURE FACTORY NOTE HOLDING, LLC,

Defendants.

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk:

824 Market Street, 3<sup>rd</sup> Floor  
Wilmington, Delaware 19801

At the same time, you must also serve a copy of the motion or answer upon the plaintiffs' attorney at the address below:

Christopher M. Samis, Esq.  
L. Katherine Good, Esq.  
Jesse L. Noa, Esq.  
Aaron H. Stulman, Esq.  
Sameen Rizvi, Esq.  
POTTER ANDERSON & CORROON LLP  
1313 N. Market Street, 6th Floor  
Wilmington, DE 19801  
Telephone: (302) 984-6000  
Facsimile: (302) 658-1192  
Email: csamis@potteranderson.com  
kgood@potteranderson.com  
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John R. Ashmead, Esq.  
Robert J. Gayda, Esq.  
Mark D. Kotwick, Esq.  
Laura E. Miller, Esq.  
Catherine V. LoTempio, Esq.  
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One Battery Park Plaza  
New York, NY 10004  
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Email: ashmead@sewkis.com  
gayda@sewkis.com  
kotwick@sewkis.com  
millerl@sewkis.com  
lotempio@sewkis.com

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

Address: 824 N. Market Street  
Wilmington, Delaware 19801

Courtroom No.: 5<sup>th</sup> Floor, Courtroom 6  
Date and Time: TBD

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**



/s/ Una O'Boyle  
Clerk of the Bankruptcy Court

Date: July 19, 2022

**CERTIFICATE OF SERVICE**

I, Sameen Rizvi, Esquire, certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made. I further certify that this Summons, along with a copy of the Complaint and the Notice of Dispute Resolution Alternatives were sent on July 19, 2022, by:

  **X**  

Electronic Mail and Mail Service: Regular, first class United States mail, postage fully pre- paid, addressed to:

**Margie Kaufman**

Michael A. Duffy, Esq.  
Michael C. McCutcheon, Esq.  
Michael Lehrman, Esq.  
Laura Kelly, Esq.  
BAKER & MCKENZIE LLP  
300 East Randolph Street, Suite 5000  
Chicago, Illinois 60601  
Email: michael.duffy@bakermckenzie.com;  
michael.mccutcheon@bakermckenzie.com;  
michael.lehrman@bakermckenzie.com; laura.kelly@bakermckenzie.com

Under penalty of perjury, I declare that the foregoing is true and correct.

July 19, 2022

Date

/s/ Sameen Rizvi

Signature

Print Name:

Business Address:

Sameen Rizvi (Bar No. 6902)  
Potter Anderson & Corroon LLP  
1313 N. Market Street, 6<sup>th</sup> Floor  
Wilmington, Delaware 19801

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CAPITAL PARTNERS, INC., SUN CAPITAL  
PARTNERS MANAGEMENT VI, LLC AND  
FURNITURE FACTORY NOTE HOLDING, LLC,

Defendants.

Adv. Proc. No. 22-50390 (JKS)

**NOTICE OF DISPUTE RESOLUTION ALTERNATIVES**

As party to litigation, you have a right to adjudication of your matter by a judge of this Court. Settlement of your case, however, can often produce a resolution more quickly than appearing before a judge. Additionally, settlement can also reduce the expense, inconvenience, and uncertainty of litigation.

There are dispute resolution structures, other than litigation, that can lead to resolving your case. Alternative Dispute Resolution (ADR) is offered through a program established by this Court. The use of these services are often productive and effective in settling disputes. **The purpose of this Notice is to furnish general information about ADR.**

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<sup>1</sup> The Debtor's service address in the chapter 11 case is FFO Liquidation Trust, c/o Province, LLC, 16255 Ventura Blvd, Suite 440, Encino, CA 91436.

The ADR structures used most often are mediation, early-neutral evaluation, mediation/arbitration and arbitration. In each, the process is presided over by an impartial third party, called the “neutral.”

In mediation and early neutral evaluation, an experienced neutral has no power to impose a settlement on you. It fosters an environment where offers can be discussed and exchanged. In the process, together, you and your attorney will be involved in weighing settlement proposals and crafting a settlement. The Court in its Local Rules requires all ADR processes, except threat of a potential criminal action, to be confidential. You will not be prejudiced in the event a settlement is not achieved because of the presiding judge will not be advised of the content of any of your settlement discussions.

Mediation/arbitration is a process where you submit to mediation, and if it is unsuccessful, agree that the mediator will act as an arbitrator. At that point, the process is the same as arbitration. You, through your counsel, will present evidence to a neutral, who issues a decision. If the matter in controversy arises in the main bankruptcy case or arises from a subsidiary issue in an adversary proceeding, the arbitration, though voluntary, may be binding. If a party requests de novo review of an arbitration award, the judge will rehear the case.

**Your attorney can provide you with additional information about ADR and advise you as to whether and when ADR might be helpful in your case.**

United States Bankruptcy Court  
for the District of Delaware

/s/ Una O’Boyle  
Clerk of the Bankruptcy Court

Date: July 19, 2022